

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. § 1.111, and in light of the remarks which follow, are respectfully requested.

By the present Amendment, claim 65 has been amended to delete "a -CO-NH-R_b group" from the definition of X₁ and X₂. Claim 65 has also been amended to add a -COOH group, a -CH₂-NH₂ group, and a -CN group in the definition of X₁ and X₂. This amendment is supported by the disclosure, for example, original claim 1. In addition, claim 66 has been amended to add a -COOH group and a -CH₂-NH₂ group. Further, claims 65, 66, 72, 84, 88 and 90 have been amended to further improve their form and/or clarity. New claims 96-139 have been added. Claims 96-139 are supported by the disclosure, for example, original claims 1-3, 5, 7-20, 28, 34, 35 and 38-60. Claims 69, 70 and 75-79 have been canceled without prejudice or disclaimer. Claims 1-64 and 95 were previously canceled. No new matter has been added.

Upon entry of the Amendment, claims 65-68, 71-74, 80-94 and 96-139 will be all of the claims pending in the application.

I. Response to Rejection under 35 U.S.C. § 103(a)

Claims 65-68 and 94 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Deng et al., "*A novel system consisting of easily recyclable dendritic Ru-BINAP catalyst for asymmetric hydrogenation*," Chemical Communications, 2002, 15, 1570-71, Fan et al., "*Highly effective soluble polymer-supported catalysts for asymmetric hydrogenation*," Journal of the American Society, 1999, 121(32), 7407-08, and U.S. Patent No. 4,705,895 to Okano et al. Applicants respectfully traverse the rejection for the following reasons.

Deng et al., Fan et al. and Okano et al. are cited as disclosing compounds which may correspond to the formula (I) recited in present claim 65, when X_1 and X_2 are amido groups attached via the amino groups therein (i.e., -NHCOR).

The Office Action asserts that amido groups attached via the carbonyl groups therein (i.e., -CONHR), which is recited in present claim 65 for X_1 and X_2 , are "structural isomers" of the compounds in the cited art. However, the Office Action has failed to provide any evidence establishing that the "structural isomers" would provide predictable results when used as catalyst ligands for asymmetric hydrogenation. Moreover, the cited references do not teach methods for preparing the "structural isomers" recited in present claim 65, and thus do not contain enabled disclosure with regard to these "structural isomers."

Nonetheless, to expedite prosecution, claim 65 has been amended to delete "a -CO-NH- R_b group," recited therein.

In view of the foregoing, Applicants respectfully submit that claim 65 is patentable over the cited documents and thus the rejection should be withdrawn. Additionally, claims 66-68 and 94 depend from claim 65, directly or indirectly, and thus are patentable over the cited documents at least by virtue of their dependency.

II. Response to Claim Objection

Claim 74 was objected to as being dependent upon a rejected base claim.

Applicants respectfully submit that the rejection of claim 65, from which claim 74 depends, has been overcome as set forth above, and thus the objection should be withdrawn.

III. Conclusion

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions

concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at his earliest convenience.

Respectfully submitted,

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